



THE
CASE
OF
THOMAS BOWLER,
A LUNATIC,
NOW UNDER SENTENCE OF DEATH IN NEWGATE,
FOR SHOOTING AT
MR. BURROWS,

Farmer, of Alperton Green, Middlesex.

No ceremony that to great ones 'longs,
Not the King's crown, nor the deputed sword,
The Marshal's truncheon, nor the Judge's robe,
Become them, with one half so good a grace,
As mercy does.

SHAKESPEARE.

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&c. &c.

ENDEAVOURS have been most industriously made to poison and prejudice the public mind against this unhappy lunatic, now under sentence of death ; by taking advantage of the state of temporary irritation and alarm, into which the outrage lately committed on a high public character has thrown these kingdoms, and by straining its application to the present case : *ex parte* and misrepresented statements have, in consequence, gone forth to the world, through the medium of the Newspapers and other periodical publications. The friends and relations of Mr. Bowler think it, therefore, their duty, as well for the satisfaction of their own feelings and those of the public at large, as out of consideration for the unfortunate object of it, to publish the following clear and candid narrative of those facts which have brought him into his present melancholy situation.

THOMAS BOWLER is now sixty-six years of age, and has resided, for the last three years, at Alperton Green, Middlesex, within a short distance of the residence of Mr. Burrows, the prosecutor. He is a farmer, and possessed of considerable estates in the parishes of Harrow and Ealing. Previous to his residing at Alperton Green, he lived at Perrivale, close adjoining, where he spent the greater part of his life. During the whole of this period, he is known, and acknowledged, to have conferred frequent obligations and reiterated acts of benevolence on his tenants and neighbours, and particularly upon Mr. Burrows, the prosecutor.

For the last year, he appears to have laboured under a mental derangement, and the special jury of an Inquisition of lunacy, have declared him "to be a lunatic, and that he has been so, ever since March last, *without lucid intervals.*" The evidence taken before this Inquisition shall be detailed hereafter.

The occasion of this derangement of intellect was supposed to be a violent epileptic fit, with which he was seized at the beginning of July 1811, while surrounded by his labourers in his hay-fields. He was, in consequence, attended by Doctor Hyatt, of Ealing; and here it may be proper to state the testimony which that gentleman gave at Mr. Bowler's trial at the Old Bailey.

About the 9th of July 1811, the Doctor said, he was sent for to attend Mr. Bowler, who had been seized with a fit of epilepsy; he found him in

a state of perfect insensibility ; he recovered in a few weeks ; but in the course of his frequent attendance from that period, *he had always found him in a wild and singular situation, and seemingly affected in his mind : and particularly so on the 19th of March last,* when the witness was sent for to attend her father, by the particular desire of one of Mr. Bowler's daughters. He found him labouring under a considerable affliction of the head ; which, in the witness's opinion, was bordering upon a state of derangement. He was again sent for to attend Bowler on the 30th of March, and he found him labouring under a very great lowness and depression of spirits ; and upon his asking Mr. Bowler how he felt, he replied—“ They want to take away my estate ! ” and the witness, upon the whole, found him very incoherent and incapable of conversation, and had no doubt in his mind, but that Mr. Bowler was then in a state of insanity. The witness had attended him every day from the 7th of May last, till the day he had committed the lamentable act, during which period he frequently heard him talk in a very wild and incoherent manner. He sometimes found him playing at cards, and singing songs and psalms early in the morning ; and it appeared to the witness that Mr. Bowler was not knowing what he was doing, and from his general conduct, was convinced that he was labouring under a derangement of mind. On the trial, Dr. Hyatt lamented that he had not advised the relations of

Mr. Bowler to place him in a state of security, as it might have prevented the unfortunate affair.

Dr. Hyatt's testimony was further corroborated by that of Mr. Bowler's house-keeper, Elizabeth Haydon, as to the state of his mind for the last twelve months, ever since he was seized with the epileptic fit, who deposed, on the trial, that she had been in his service upwards of twenty years, and that he had always been in a sound state of mind till after he was attacked with the epileptic fit; and that, since that period, his conduct and manner was entirely changed; that he had ordered two pounds of meat for dinner for seven in the family; that, for the last two or three months, he had been in the constant habit of going to bed at two or three in the afternoon, and rising at two or three in the morning; that he would then (for several hours together) wander about his premises; that he ordered his breakfast at five in the morning, and would make the witness sit down to play at cards with him for several hours together; about nine he frequently insisted upon having his dinner, and would order the witness to take up the meat from the fire before it was scarcely warmed through, in which state he would eat it; he would then again order the cards to be brought in, and she was made to play with him for several hours, thereby neglecting the whole of his concerns and business; that formerly no man could be more regular in his domestic habits, nor more regular in his general affairs; but, since his fit, his whole

conduct was changed. He would, for instance, very often go out when it rained very fast, and lay himself down in the wet grass ; he had also frequently said that he would cut his throat, and several times wished to jump down from the top of the house, saying—" What a nice jump it will be ;" with similar extravagant expressions, which induced the witness and the other servants to sit up with him for several nights together ; that she had every night, for the last four months, taken from him his garters, cravat, knife, &c. to prevent him from committing some rash act upon himself, of which she, as well as the other servants, were apprehensive. The witness was particularly alarmed about three months ago, at Mr. Bowler's having a rope in his hand with a noose in it (which she produced in court) ; that he appeared at the time particularly dejected ; she asked him what he was going to do with the rope, upon which he endeavoured to conceal it, and said he was going to catch some of his pigs, to wring, but the witness knew at the time that there were no pigs then on the premises which wanted wringing ; he then went out with the rope in his pocket, to one of the cart houses, and looked up very attentively at the beams, which much alarmed the witness, and induced her to watch him very attentively ever since ; that during the two days prior to his committing the rash act, he was playing at cards for several hours each day, and she was convinced that he did not know what he was about ; that on the day previous to his shooting Mr. Bur-

rows, he was found lying upon a wet dunghill fast asleep.

All these statements of the witness Haydon were corroborated and confirmed by Charlotte Pearce and Joseph Church, both servants of Mr. Bowler.

John Abbey, a hay-binder and labourer, proved that Mr. Bowler appeared to him to be deranged for the last twelve months, as he always spoke to him very incoherently, and at times did not understand a word he said ; that he frequently desired the witness to bind some clover, when there was none to bind, which he must have known if he had been in his proper senses ; that when he paid the witness his wages, instead of giving the money into his hands, he would throw it in his face with considerable violence, raving and stamping at the same time.

Mr. Joseph Withers, of Hanger Hill, Middlesex, Gentleman, deposed, on the trial, that he had known Mr. Bowler for several years, and for these last twelve months had no doubt in his mind but that Mr. Bowler was deranged ; he formed this opinion from various acts he had committed and conversations he had had with him, and particularly one, which took place on the 26th of May last, (three days before he shot at Mr. Burrows) when Bowler talked very incoherently, and appeared very wild in his manner ; he told the witness, that he had given the body of a chaise (which was lying in the yard, worn out and unfit for use) to Doctor Hyatt, who, he said, intended

to have it newly mounted and hung round with morris bells ; and that, in reply to a remark which the witness made to Mr. Bowler, respecting a house which he (Bowler) had built for a blacksmith near his own residence, he observed to the witness, that he built it for a ballad singer, and that it was good enough for him. (*This blacksmith was the principal evidence against Bowler.*) The witness further swore that the friends of Mr. Bowler had it in contemplation, about a fortnight before he shot at Mr. Burrows, to take out a commission of lunacy against him.

Mr. John Read, a very respectable farmer of Wembley, in the County of Middlesex, deposed on the trial, that in consequence of Mr. Bowler's wild conduct for the last twelve months, it was in the contemplation of his relatives and friends to take out a Commission of Lunacy against him.

Mr. William Farnell of Isleworth, a respectable brewer, deposed, on the trial, that he had known and been intimate with Mr. Bowler upwards of twenty years ; that, for the last six months, he certainly thought him very much changed in his conduct ; that on the 27th of May last (two days before he committed the rash act) he was with him at his house ; that Mr. Bowler jumped from his seat and exclaimed, “I have left Hedge Lane to one, and St. Giles's to the other,” (meaning his daughters) which much surprised the witness ; he asked him what he meant, and he repeated the same words ; during the time the witness re-

mained with him on that day, he appeared in a state of dejection ; and from what he had gathered from the neighbours, it was his firm opinion that he had been deranged for several months.

Mr. William Withers, Solicitor, of Ealing, son-in-law of Mr. Bowler, proved a variety of acts committed by his father-in-law which induced him to advise with his friends, and even with the prosecutor Mr. Burrows (who was always considered the intimate friend of every branch of Bowler's family) as to the propriety and necessity of taking out a commission of lunacy against him. Mr. Withers proved, that Mr. Bowler for the last six months had it always in his mind, that he should be exchequered, on account of his having purchased his land tax ; that he asked the witness what would become of his property in case he destroyed himself ; that he desired him to dance, and that he (Bowler) said he could play very well upon the grid-iron, that he desired witness to go round to all the government offices, and see if all was right, as he was sure that there was something the matter with the Government ; that he told the witness, a few months ago, that he had been under the different church yards, and had conversed with people who had been dead twenty years ago and whom he knew ; that he had seen and conversed with angels ; that Bowler gave him (the witness) a blank draft on his bankers, to fill up with any sum he pleased in order to pay for the purchase of his land tax, although the purchase had been perfectly regular, which draft

the witness of course refused ; that Bowler had frequently desired the witness to look out at the window and see how fast it rained or snowed at a time when the weather was perfectly fine.

Thomas Filby, of Hanger Lane, Middlesex, farmer, proved, on the trial, that he had known Bowler for forty years ; that about a week before he had shot Mr. Burrows, Bowler had sent to him to bind some hay for him, and he continued with him every day for about a week before the sad event happened ; that on the 28th of May, Bowler said to him, " I have altered my will, and have left Will Withers, Drury Lane, St. Giles's, and the Pantheon in Oxford Street," upon which the witness replied, " Oh Sir, this is a joke I am sure," Bowler smiled, saying, " It is very true though, and Burrows and Captain Pinfold mean to hang me." Witness was very much astonished at seeing him in this state of mind, and endeavoured to reason with him, upon which Bowler said—" By G— I must leave my house or they will hang me, and I mean you to look after my farm : I can live an hundred miles off, and they will then not hurt me." Witness had no doubt, at that time, but Mr. Bowler was deranged, and had been wrong in his mind for the last twelve months.

Mary Withers, the daughter of Mr. Bowler, corroborated by her testimony every thing that had been sworn to by Bowler's servants, and deposed that it was at her particular request that no knife, or garters, or handkerchiefs might be left in his bed room at

night, as he frequently expressed a wish to destroy himself, and that she herself sat up with him for several nights, dreading such an event.

William Weeden, of Willesden Green, Middlesex, gentleman, deposed that he had married one of Bowler's daughters, now dead ; that he saw him at his house on the 26th of May ; that he observed to his friend Mr. Joseph Withers, who was then likewise at Bowler's house, that he thought Bowler was certainly mad, and unless proper care was taken of him, that he certainly would do some mischief ; that Bowler was then lying under a tree in the garden, in a very melancholy and dejected state, throwing about his arms in a very wild and frantic manner.

The above testimony applies to the state of Bowler's mind previous to his committing that act, for which he has been called upon to answer to the laws of his country. Being so direct and distinct in its substance, and proceeding, as it does, from such respectable witnesses, there can exist no doubt but that previous to the 30th of May last the day laid in the indictment, he laboured under a severe mental derangement.

Let us now examine, whether on the morning when he shot at Mr. Burrows, his intellects were more sound than at these former periods, when it has been proved that they were deranged and disordered,—whether, in fact, this was a lucid interval from that state of insanity under which he was before labouring.

To ascertain this it becomes necessary to state the particulars of the act, of which Bowler stands convicted, and his subsequent conduct.

On Saturday the 30th of May last, at about five o'clock in the morning, Bowler got up, and ordered his cart to be greased, and his horse to be saddled, with the intention, as he said, of going to London ; *he desired his grand son, a youth of fifteen years of age, to accompany him.* He afterwards said, he would not have any use for the cart, but that he would go on horseback, he then desired his grandson to ride the horse to his blacksmith's shop about 200 yards from his residence, and he himself walked there. The boy saw his grand-father take a blunderbuss which had been always in the corner of the usual sitting room, and was not supposed to be loaded ; he asked his grand-father, what he was going to do with a blunderbuss ; the latter answered that he was going to shoot Church's (his servant's) dog, which he said was mad. He then went to the blacksmith's shop and in the presence of the blacksmith and his wife put the blunderbuss in his shop ; the boy was still sitting on the horse at the shop door, and Bowler was walking about asking the boy if he had seen Church's dog ; he said—“ No!—There's Mr. Burrows coming,” who soon passed by in a chaise-cart on his way to London. Bowler went into the blacksmith's shop and took the blunderbuss, for the purpose of shooting the dog ; but seeing Burrows, said to him, “ A pretty fellow you must be,” and immediately

levelled his piece at Mr. Burrows, and shot him in the neck. He then got on his horse and galloped off, desiring his grand-son to make haste and follow him.

It appears by the testimony of the blacksmith's wife, that she was in the road, and saw Bowler come out of her husband's shop with a blunderbuss in his hand, and shoot at Burrows; and the blacksmith likewise deposed, that Bowler fired off the piece in his presence, and also in the presence of one Mary Ann Barnet, a labouring woman, as well as his grandson. It is therefore evident, that he committed the act in the presence of several persons. Now, it is not likely that a man who was intent on committing a murder, would select a spot where several persons were collected together, and would take his grandson with him, to view the murder. Had premeditated murder really been his object, he might have accomplished his purpose when no one was near to witness it; and as Burrows lived and was constantly passing near Bowler's premises, opportunities out of number might have presented themselves for that purpose, when no one was present: instead of which, Bowler chooses a public road for committing this act, and does it in the face of open day, in the presence of persons to whom he was extremely well known, from whence too it was very improbable that he might be able to effect even a temporary escape. This, therefore, appears very unlike the act of a sound and reflecting mind.

When Bowler galloped off after shooting at Mr. Burrows, he rode a distance of fifty miles to Waddesden, a village in Buckinghamshire, without stopping; he arrived there at about three o'clock in the afternoon on the same day, and alighted at the public-house at Waddesden; he there asked for a bed, and accommodation for his horse; ordered a chop for his dinner, but when brought to him, he did not eat it; he drank two pints of beer, *took a chair, and seated himself in the middle of the road; and then gave a man a shilling to sing him a song.*

Indeed his whole behaviour was such as to make the people at the public-house suppose him out of his mind. After this he went to bed at about six o'clock in the afternoon, and was heard in the course of the night, to be walking about his room, and moving the chairs.

The following morning he got up, and left the house on horseback; on the road, near the village, he met a man who was an entire stranger to him, to whom he gave a one pound note to take his horse to Mr. Winkley, the school master at Harrow; thus entrusting his horse to a perfect stranger. The horse, however, was brought home to his house; but no clue could be obtained where he was.

On Saturday the 6th of June, a week after he committed the rash act, he arrived at five o'clock in the afternoon, to the astonishment of his neighbours, at his own house, in a post-chaise from Uxbridge. The post-boy, James Moores, who brought him home, declared, (and was ready to give evidence

on the trial to that effect, although he was not called by Bowler's counsel) that he took no pains to conceal his person whilst in the chaise, and that on Ealing Common, Bowler called out to him, "stop! stop! you are wrong," although he was in the right road. On his arrival, the post-boy having passed Bowler's house, he called out violently "drive me up to my own door." This proves that the unhappy man had no idea of secreting himself.

Immediately after his entering into his house, a great concourse of people assembled there. He asked a great many of them to drink with him, and enquired where they were going next morning,—that he wished them to send for a Magistrate and that it was only a matter of form—he then requested them to order three post-chaises, and made use of very incoherent and unconnected language.

About an hour after his arrival at his own house, he was taken into custody, on which he said to his family "Do not be alarmed, it is only a form, I shall be home in a few hours. I have shot a cow, and a sow, I met Mr. Burrows, and I shot him."—He was then taken to London, to the Public Office in Marlborough Street, and during the examination he talked very wildly and incoherently before the Magistrate, observing "that Mr. Burrows was there, and insisted upon his being called and examined, and that he had shot him." Mr. Burrows, however, was not then in the office. On his being conveyed to the New Prison, Clerkenwell, he became outrageous. In consequence of his vio-

lence they chained him to the bed, put a strait jacket on him, and otherwise used coercive measures to restrain him in his ravings.

Having stated thus much in proof of Mr. Bowler's not being a man, possessed of his sound senses ; it may be proper to detail the situation in which Mr. Burrows stood towards Bowler, and the nature of the acquaintance and connexion. It will hence appear that none but a man, acting under a strong delusion of mind, could have, in Mr. Bowler's situation, made Mr. Burrows the object of his deliberate enmity. So far from there existing any hostility between the parties, they were on the closest footing of friendship and intimacy.

Bowler had known Burrows from his earliest youth, and had introduced him into the world : indeed to Bowler he may consider himself indebted for his fortune and success in life. They always lived on terms of intimacy, and were continually together as friends and neighbours. Mr. Burrows was frequently in the habit of borrowing money of Bowler, and so recently as October last, Bowler lent Burrows £200, which was proved at the trial by a check on Bowler's bankers, Messrs. Forster, Lubbock, and Co., Mansion House Street, and at that time *Bowler offered to lend Burrows any sum he might want, without interest, which was admitted by Mr. Burrows on the trial, who also deposed that for the last £200 which he lent him for several months, Bowler would not even take the interest.* Bowler about two months since made Burrows a

present of a ditch, of about the value of £50, and it appeared from Mr. Burrow's own testimony, that there never was any serious quarrel between him and Bowler which could possibly have induced the latter to take away his life. The only misunderstanding (if it can be so called) which they ever had was in the month of March last, about the lopping of some trees; but nothing very material had passed between them on that subject; Burrows after that, it is true, returned Bowler the £200 which he had borrowed in October, offering at the same time to pay him the interest for it, which Bowler refused to take.

Mr. Burrows had seen him repeatedly since, and the last time he saw him was on the Wednesday before the act was committed, when nothing appeared on the part of Bowler to make him suppose that he owed him any ill will. Mr. Burrows also admitted on the trial, that Bowler had had a fit of epilepsy about a year ago, and that *he had told him (Burroes) that he had been under ground, and seen all the people that had been dead.* He stated on the trial, he had heard his son-in-law say, that the family meant to take out a commission of lunacy against him. Thus then it is evident that no pre-meditated malice could possibly have existed on the part of Bowler towards Burrows: and it is likewise evident that the prosecutor, Burrows, knew Bowler to have been insane, previous to the commission of this act.

In consequence of Mr. Bowler's conduct previous

to his shooting at Mr. Burrows, and the symptoms of insanity which he exhibited whilst in prison, his relatives thought proper to take out a commission of lunacy against him. Accordingly, an Inquisition under the Great Seal was held on the 18th of June, (eleven days after his commitment to prison) at the Crown Tavern, Clerkenwell Green, before Thomas Evance, Abraham Moore, and Henry Burrell, Esquires, Commissioners of Lunatics, and a Special Jury, consisting of the following respectable Gentlemen of the County of Middlesex, viz.

John Nares, Esq., Magistrate of the Public Office,
Bow Street

John Bacon, Esq.

Edmund Cotterell, Esq.

William Forssteen, Esq.

Richard Birnie, Esq.

William Wicks, Esq.

Samuel Mills, Esq.

Joseph Boucock, Esq.

John Jackson, Esq.

James Mansfield, Esq.

William Horton, Esq.

George Baxter, Esq.

Thomas Griffith, Esq.

George Slaton, Esq.

William Robertson, Esq.

John Hooper, Esq.

William Cowley, Esq.

John Russel, Esq.

Thomas Stowers, Esq.

Thomas Hay, Esq.

The evidence produced before this respectable Jury, in addition to that of those persons who gave their testimony on the trial, which has already appeared in this narrative, were.

Doctor Ainslie, an eminent physician, who deposed, that he had attended Mr. Bowler, during his confinement in the New Prison; that he had examined him on various subjects, and found his mind labouring under the greatest extravagance and delusion; that he had no doubt that the fit which Mr. Bowler had had was epileptic, and that it had been the cause of his insanity; that the species of insanity with which Mr. Bowler was afflicted was frequently the consequence of that kind of fit, and often shewed itself in acts of violence and mischief, arising from great irritation of the mind; that persons afflicted with this species of derangement were seldom or ever cured; that it was the nature of this species of the complaint, for the party suffering under it to receive and carry into execution the most erroneous impressions with the most rash impulse; that from the very frequent paroxysms of this disorder, Mr. Bowler was unfit to be at large from the time of the fit, and ought then to have been put under restraint; that he had no doubt of Mr. Bowler's complete loss of reason, and

Insanity : and that the great depression of spirits which had immediately succeeded the fit was in itself a low species of derangement.—On the trial at the Old Bailey, Doctor Ainslie gave his evidence to the same effect, and added that Bowler still remained in the same unfortunate condition.

Thomas Warburton, Esq., of Hackney, who is particularly eminent in the treatment of this dreadful disorder, stated, that he had seen Mr. Bowler, every day, since his confinement in the New Prison ; that he had given particular attention to his disorder, and had examined him particularly with reference to the delusions which had operated upon his mind ; that he had no doubt his insanity had been of some standing ; and had arisen from the effects of the fit. He then stated a variety of circumstances, which he had collected from conversations with Mr. Bowler, and which convinced him, that he was perfectly insane, and had been so for many months, and consequently that he ought not to have been at large. The witness described the character of the disorder in the same manner as Doctor Ainslie, and concurred with him in opinion on Mr. Bowler's state of mind. Mr. Warburton on the trial deposed to the same effect as the above, and added that Bowler remained in the same state of derangement of mind.

Mr. *Thomas Webb*, surgeon of the New Prison, stated that he had seen Mr. Bowler three times a day since his commitment, and he mentioned various conversations, which he had had with him,

from which he judged of the state of his mind, and he concurred generally with Dr. Ainslie and Mr. Warburton, as to Mr. Bowler's disorder. Mr. Webb likewise, on the trial, deposed to the same effect as the above, and added that he was still in the same state of insanity.

Mr. Daniel Ellet Mitchell, Gentleman, of Kenton, Middlesex, spoke to various incoherent acts of Mr. Bowler since the epileptic fit, and that he had no doubt of his insanity.

Mr. Wetherell, Counsel for Mr. Bowler's relatives, was proceeding to call other witnesses; and observed, that the unhappy man's family had a great anxiety, not only to satisfy the Jury on the subject, but also Mr. Burrows and the Public; that their desire was to have the most full and complete investigation, and for that purpose upwards of twenty other respectable witnesses were in attendance, who could corroborate and confirm what had already been proved. The Jury, however, were of opinion, that the evidence they had heard, being so distinct, they did not think it necessary to hear more; but they thought proper, for public satisfaction in such a case, that they should personally see and examine Mr. Bowler himself, and accordingly they all went to the prison, and, on coming back, returned a verdict, that, *Mr. Bowler was then a lunatic, and that he had been so ever since March last, without lucid intervals.*

Notwithstanding, however, this weight of evidence (for the verdict of this inquisition of lunacy

was admitted by the Judge who presided at the trial), the Jury at the Old Bailey brought in a verdict of *guilty* against Mr. Bowler. Now, as Mr. Justice Le Blanc observed in his charge to the Jury, “to constitute guilt or criminality in this case, the commission of the act by the prisoner must be proved to have been *wilful* and *malicious*. This must rest upon the opinion of the Jury, whether, at the time of the commission of this act, the prisoner had a *sane consciousness of right and wrong*. That Bowler had given repeated proofs of insanity there could be no doubt, but the question for the Jury to determine was, whether he had a lucid interval, when he shot at Mr. Burrows.”—Here, it must be repeated, the very circumstances, attendant upon the act, prove the absence of all sound reason at the time it was committed; for how could it be supposed that Bowler could be in his right senses, when he desired his grandson to accompany him, and when he shot at Mr. Burrows in open day, and in the presence of several of his neighbours; although so many opportunities presented themselves for his doing it unobserved? He certainly had no premeditated intention of murdering Mr. Burrows, or he would have arranged matters different: and, as to “*wilful and malicious*” intention, his *general generous and benevolent disposition towards Mr. Burrows*, proved not only by professions but by acts, testifies that no such feeling existed in Mr. Bowler’s mind. Mr. Burrows himself swore, upon the trial, that there was no serious misunderstanding

between him and Mr. Bowler; on the contrary, that the latter had frequently lent him money: Burrows had seen Bowler but two days before the act, and he acknowledges that there appeared, on the part of the latter, no want of that friendly intercourse which had so long existed between them. Even after the verdict, the prosecutor recommended Bowler to mercy, and, when asked by the Judge for his reason, he replied, that it was "on account of his being a neighbour, and of the intimacy which had subsisted between them for a series of years."

Far be it from Mr. Bowler's friends to arraign the verdict of the Jury at the trial: there is no doubt, but that they founded their decision on this case from the best of their judgments and according to the faith which they then attached to the evidence before them. But they must, in justice to their own cause, state, that the verdict is at variance with that given at the Inquisition of Lunacy, by a Jury of most respectable gentlemen; who, from their general habits, had superior means and opportunities of exercising their personal judgment as to the derangement of Mr. Bowler, by conversing with and examining him, which, in many cases of insanity, is essential and indispensable to the forming a satisfactory judgment;—but which means and opportunities are not afforded to a Jury in a criminal Court.

There is another strong motive, which emboldens the friends of Mr. Bowler humbly to offer a

word or two in mitigation of the verdict of the Jury who tried him ; for it has been well ascertained, since the trial, that several of the Gentlemen of the Jury placed little faith in the testimony of Dr. Ainslie and Mr. Warburton ; and they have not hesitated to acknowledge, that if they had known the great reputation of these very respectable Gentlemen at the time of the trial, and their professional skill in the treatment of insanity (which they confess they have been only apprized of since) *they never would have returned Bowler guilty.* As it was,—with all the discredit which they attached to the evidence of Dr. Ainslie and Mr. Warburton, they were out of Court for nearly two hours before they could agree in their verdict. Indeed, so convinced are the friends of Mr. Bowler of the truth of these facts, that they flatter themselves several of this same Jury will sign the petition, which is now preparing and will shortly be presented to His Royal Highness the Prince Regent, in favour of the unhappy Bowler.

Thus far in regard to the particular circumstances of Mr. Bowler's case. The Public is, however, requested to pardon the introduction here of a few parallel cases and of some law authorities on the subject of insanity. Many unfortunate men, circumstanced as Mr. Bowler was, have been acquitted : but as he has been found guilty by his Jury, these references may possibly have the effect of pleading forcibly for the pardon of this unhappy man at the Royal fountain of mercy ;—of saving him from an ignominious death,—his family and friends from

disgrace, and—the public at large from suffering any future outrage at his hands, by immuring him in a proper place of confinement for the remainder of his days.

The law of England is extremely mild to persons laboring under mental derangement. Hawkins lays it down as a general rule, that “idiots and lunatics, being by reason of their natural disabilities incapable of judging between good and evil, are punishable by no criminal prosecution whatsoever ; and therefore a person *who loses his memory* by sickness, infirmity or accident, and kills himself is *no felon de se*; and as a person, *non compos*, cannot be a *felon de se*, by killing himself, *so neither can he be guilty of homicide in killing another*, nor of any petit treason. As to idiotcy, lunacy, or madness, (the latter of which is defined by Hale to be a total alienation of the mind) which excuses in capital cases, it is not necessary, that it was found by inquisition, that the party was a madman, idiot, or lunatic previous to the commitment of the fact : for if he was actually mad at the time of the fact committed, this shall excuse, and if it be found, that he was actually mad, he shall be discharged without any other trial.”

Locke, Bolingbroke, Hartley, and other eminent writers have asserted, that “mad persons often speak rationally and consistently upon the subjects that occur, provided the particular ones which most affect them are kept out of view ; and the reason of this may be that whether they first become mad

because a particular original mental uneasiness falls in with an accidental bodily disorder, or because an original bodily disorder falls in with an accidental mental one, it must follow that a particular set of ideas shall be extremely magnified and consequently an unnatural association of sameness or repugnancy between them generated, all other ideas and associations, remaining nearly the same. When one false position of this kind is admitted it begets more of course, the same bodily and mental causes also continuing; but then this process stops after a certain number of false positions are adopted from their mutual inconsistency, unless the whole nervous system is deranged. The memory is often much impaired in madness, which is both a sign of the greatness of the bodily disorder and an hindrance to mental rectification, and therefore a bad prognostic. The violence of the ideas and passions may give this species of madmen great muscular strength, and they are very apt to carry the conceptions of their hatred and disordered imagination into effect, however dangerous the consequences are to themselves, or disastrous to others."

The well known trial of James Hadfield for shooting at the King at Drury-lane Theatre, is very similar to the present case, in regard to the question of the prisoner's sanity or insanity at the time of committing the act: yet Hadfield was acquitted, although, if the evidence brought forward in both cases be put together and compared, it will appear that Bowler is the greater lunatic of the two. On Had-

field's trial only one witness was brought forward, and that his sister-in-law, to prove his occasional fits of insanity. In the present case more than a dozen witnesses have proved that Bowler was not in his right senses, and 20 more were ready to corroborate their testimony. The prosecutor himself confessed that he had been consulted by the relations of Bowler, as a friend to the family, with regard to the propriety of confining the prisoner long before the commission of the rash act. Since that unfortunate event, a statute of lunacy has been taken out against him, and he has been declared to have been insane since March last, without lucid intervals.

It is true, that several witnesses swore, on the trial, that, when they saw Bowler he appeared to them to be cool, collected, and in perfect possession of his senses. But there is nothing on earth more positive than that a madman is not mad at all hours. It is not necessary, in the eye of the law of England, that a man, to be delivered from the responsibility of crimes, should be either frantic or foolish. Lord Erskine, in his speech, which procured the acquittal of Hadfield argued sensibly and eloquently on this point: "if it was meant, (he said) that, to protect a man from punishment, he must be in such a state of prostrated intellect, as not to know his name, nor his condition, nor his relation towards others—that if a husband, he should not know he was married; or, if a father, could not remember that he had children; nor know the road to his house, nor his property in it—then no such madness ever existed in

the world. It is idiotey alone which places a man in this helpless condition. But in all the cases which have filled Westminster Hall with the most complicated considerations—the lunatics, and other insane persons who have been the subjects of them, have not only had memory—they have not only had the most perfect knowledge and recollection of all the relations they stood in towards others, and of acts and circumstances of their lives ; but have in general been remarkable for subtlety and acuteness. Defects in their reasonings have seldom been traceable, the disease consisting in the *delusive sources of thought* : all their deductions within the scope of the malady, being founded upon the immoveable assumption of matters, as realities, either *without any foundation whatsoever* ; or so distorted and disfigured by fancy, as to be almost nearly the same thing as their creation.” Lord Erskine supported this line of argument by stating the following facts.

“ I well remember (indeed I never can forget it), that since the Noble and Learned Judge has presided in this Court, I examined, for the greater part of a day, in this very place, an unfortunate gentleman who had indicted a most affectionate brother, together with the keeper of a mad-house at Hoxton, for having imprisoned him as a lunatic ; whilst, according to his evidence, he was in his perfect senses. I was, unfortunately, not instructed in what his lunacy consisted, although my instructions left me no doubt of the fact ; but, not having

the clue, he completely foiled me in every attempt to expose his infirmity. You may believe that I left no means unemployed which long experience dictated ; but without the smallest effect. The day was wasted, and the prosecutor, by the most affecting history of unmerited suffering, appeared to the Judge and Jury, and to a humane English audience, as the victim of the most wanton and barbarous oppression : at last Dr. Sims came into Court, who had been prevented, by business, from an earlier attendance. From Dr. Sims I soon learned that the very man whom I had been above an hour examining, and with every possible effort which Counsel are so much in the habit of exerting, believed himself to be *the Lord and Saviour of mankind* ; not merely *at the time of his confinement*, which was alone necessary for my defence ; but during the whole time *that he had been triumphing over every attempt to surprise him in the concealment of his disease*. I then affected to lament the indecency of my ignorant examination, when he expressed his forgiveness, and said, with the utmost gravity and emphasis, in the face of the whole Court, “ *I am the Christ* ;” and so the cause ended. Gentlemen, this is not the only instance of the power of concealing this malady ; I could consume the day if I were to enumerate them ; but there is one so extremely remarkable, that I cannot help stating it.

“ Being engaged to attend the assizes at Chester upon a question of lunacy, and having been told

that there had been a memorable case tried before Lord Mansfield in this place, I was anxious to procure a report of it; and from that great man himself (who within these walls will ever be reverenced, being then retired in his extreme old age, to his seat near London, in my own neighbourhood) I obtained the following account of it: "A man of the name of Wood," said Lord Mansfield, "had indicted Dr. Monro for keeping him as a prisoner (I believe in the same mad-house at Hoxton) when he was sane. He underwent the most severe examination by the defendant's counsel without exposing his complaint; but Doctor Battye, having come upon the Bench by me, and having desired me to ask him what was become of the *Princess* whom he had corresponded with in cherry-juice, he showed in a moment what he was. He answered, that there was nothing at all in that, because, having been (as every body knew) imprisoned in a high tower, and being debarred the use of ink, he had no other means of correspondence but by writing his letters in cherry-juice, and throwing them into the river which surrounded the tower, where the Princess received them in a boat. There existed, of course, no tower, no imprisonment, no writing in cherry juice, no river, no boat; but the whole was the inveterate phantom of a morbid imagination.—I immediately," continued Lord Mansfield, "directed Dr. Monro to be acquitted; but this man, Wood, being a merchant in Philpot-lane, and having been carried through the city in his way to

the mad-house, he indicted Dr. Monro over again, for the trespass and imprisonment *in London*, knowing that he had lost his cause by speaking of the Princess at Westminster; and such," said Lord Mansfield, "is the extraordinary subtlety and cunning of madmen, that when he was cross-examined on the trial in London, as he had successfully been before, in order to expose his madness, all the ingenuity of the Bar, and all the authority of the Court, could not make him say a single syllable upon that topic, which had put an end to the indictment before, although he still had the same indelible impression upon his mind, as he signified to those who were near him; but, conscious that the delusion had occasioned his defeat at Westminster, he obstinately persisted in keeping it back."

That Bowler had these strange delusions, and that these delusions constituted his insanity, there can be no doubt; for where there is no frenzy or raving madness, delusion is the true character of insanity. No man, but he who is insane himself, can think that person sane or whole in his mind, who declares that he has been under ail the church yards, and conversed with men long dead, as has been proved by the evidence of several witnesses—who says that he has given St. Giles's to one of his daughters, and Hedge-lane to another, and who builds his houses for ballad-singers! Notwithstanding, therefore, the report of those who describe him as discovering before then no symptom whatever of his mental de-

rangement, the testimony of those who have sworn to the positive disorder of his intellects ought not to be shaken : because it has been shown that insane persons frequently appear in the utmost state of ability and composure, even in the highest paroxysms of insanity, except when frenzy is the characteristic of the disease.

There is no doubt but that the local and temporary circumstances of the times have an influence on the minds and tempers of a Jury ; otherwise, how could twelve men, acting under the same laws, attach criminality to Bowler, as in this instance, and release from punishment the accused in the following case ? It is well known, and was tried, some years back, in Essex. An unhappy woman, who had been seduced and afterwards abandoned by Mr. Errington, a barrister, was cast off, although she had several children by Mr. Errington. Hearing that he was about to marry another woman, she made her way to his breakfast parlour, and shot him dead on the spot. Thus she went to Mr. Errington with the express and deliberate purpose of shooting him ; but still the Jury, in the humane consideration of her sufferings, pronounced the insanity, which her grief and disappointment had driven her to, to be predominant over her resentment, and acquitted her.

Not all the strong circumstances, however, which give a favourable colour to the crime of this unhappy man, have had the effect of procuring for him an acquittal from punishment. He is condemned for

death. But it is to be hoped, that the extraordinary nature of his unhappy case will meet with a kind reception with those to whom it has recently been consigned. The arguments which have been brought forward to prove this unfortunate man's insanity, will, it is trusted, have their due and proper weight with the Lord Chancellor, who is, by virtue of his office, the guardian of all the lunatics, and to whose care Bowler was committed by the verdict of the Inquisition of Lunacy, which declared him insane. His Lordship will no doubt feel it his duty to represent the case in its true light to his Royal Highness the Prince Regent, and the friends of the unhappy convict flatter themselves that his lamentable situation will be thought fit for the exercise of that best, that noblest, of the prerogatives of royalty—mercy.

Instances are to be found, in which the arm of royal authority has been most mercifully stretched forth to stop the course of justice, even in cases of actual murder, which this is not. In the year 1783, Dr. M'Gennis was tried at the Old Bailey, before Mr. Justice Willes, for the murder of Mr. Hardy, a hatter, in Newgate-street, in whose house he lodged. A plea of insanity was set up, but the Jury found him *guilty*. His Majesty, however, when the case was properly represented to him, extended his gracious pardon, on the ground that he was subject to occasional paroxysms of madness. And a case occurred in Ireland, within the present year, in which Walter Hall was condemned to

death for murder ; but upon the statement and recommendation of the two Judges who presided at the trial, he was pardoned. The fountain of mercy, which has thus flowed so bounteously on these, as well as on many other similar criminals, it is hoped, will not be closed to the present unhappy lunatic.

THE END.

CHITWAN



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